

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

ALAN KACHALSKY, CHRISTINA NIKOLOV,
ERIC DETMER, JOHNNIE NANCE, ANNA
MARCUCCI-NANCE, and SECOND AMENDMENT
FOUNDATION, INC.,

Plaintiffs,

Case No. 10-CV-05413

v.

(Hon. Cathy Seibel)

SUSAN CACACE, JEFFERY A. COHEN, ALBERT
LORENZO, ROBERT K. HOLDMAN, AND COUNTY
OF WESTCHESTER,

Defendants.

DECLARATION OF THE HONORABLE DAVID R. ROEFARO

The Honorable David R. Roefaro, declares under penalty of perjury and in accordance with 28 U.S.C. §1746 as follows:

1. I am the Mayor of the City of Utica ("Utica"), having been sworn into office on January 1, 2008. I make this declaration in support of the motion for summary judgment of Susan Cacace, Jeffrey A. Cohen, Albert Lorenzo and Robert K. Holdman, ("State Defendants"), and in opposition to the Plaintiffs' motion for summary in the above captioned proceeding, and to outline Utica's interest in reducing handgun violence and seeing the "proper cause" requirement of New York's "full carry" licensing statute upheld.

2. It would be detrimental to Utica's interests, and the interests of cities like Utica, to remove the element of proper cause from consideration in issuing permits to carry concealed weapons. Mayors understand proper cause as a necessary public safety buffer that permits the reasonable regulation of the issuance of concealed carry licenses, in allowing persons who are able, to make an appropriate showing to obtain licenses.

3. Shortly before I took office in 2008, gun crimes were rising in my city. We had even lost an officer in a shooting involving a concealed handgun during a routine traffic stop that year. In my 2009 State of the City Address, I promised my citizens that I would do my best to eradicate gun violence from our city. I partnered with other mayors in this cause and successfully fought to lower the amount of gun crimes in Utica as well as in our sister cities.

4. I believe that the licensing laws in New York are fundamental to our efforts to keep Utica safe and to lowering the amount of violence. Other states without a discretionary element in their gun licensing schemes, like New York's proper cause provision, have experienced more guns on the streets and may even supply more guns to cities like mine. I can say with complete confidence that removing the "proper cause" requirement will hurt public safety. Any policy that allows an individual to carry a concealed weapon without substantial screening, beyond mere criminal and mental-health background checks, would increase the danger to both citizens and police officers alike, and propel the false idea that a greater proliferation of gun possession on the streets is somehow desirable and more important than allowing the city to properly use its police force to protect its citizenry.

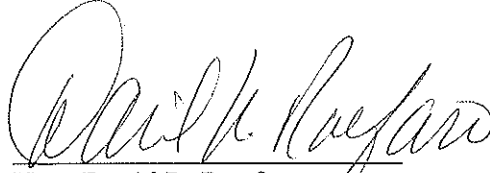
5. To understand the magnitude of the challenge we face, it is worth noting that in Utica, we take one illegal gun off the streets every week. Most, nearly 90%, come from other states. Encouraging more public possession of concealed handguns will only intensify our difficulties. In my experience as Mayor, more guns on our streets will increase violence and exacerbate a city culture where the populace would feel unsafe venturing out to our public areas. The growth of a fearful anxiety would undermine our efforts to attract businesses and families to our city to enable it to grow.

6. In sum, the proper cause requirement is a reasonable and necessary element of a thorough background check for anyone who wishes to carry a concealed weapon in public. It will limit carry concealed weapons to those individuals who have some greater reason than "just

because" and is essential in my office's efforts to make Utica a thriving and vibrant community.

It's just that simple.

7. Respectfully, I humbly request that the Court uphold judicial discretion in seeking proper cause for the issuance of a concealed carry license.


Hon. David R. Roefaro
Mayor of the City of Utica

Sworn before me
this 24th Day of
January 2011

JOHN P. ORILIO
Notary Public in the State of New York
Reg. #01OR4647270
Qualified in Oneida County
My Commission Expires January 31, 2014